

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

CLABORYAN LEWIS
Plaintiff

CIVIL ACTION NO. _____

-vs-

JUDGE _____

**ABC INSURANCE COMPANY,
FIELDWOOD ENERGY, L.L.C.,
XYZ INSURANCE COMPANY,
RIVERTEC ENTERPRISES, INC.,
PQR INSURANCE COMPANY,
ISLAND OPERATING COMPANY, INC.,
AND THE SPEEDY P**
Defendants

MAGISTRATE JUDGE

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes petitioner, CLABORYAN LEWIS, a person of the full age of majority who is a resident of and domiciled in the State of Louisiana, Parish of Vermilion, who respectfully files the following Complaint and now represents:

Made defendants herein are:

- A. ABC INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the state of Louisiana, which at all times relevant herein provided coverage for the faults of FIELDWOOD ENERGY, LLC;
- B. FIELDWOOD ENERGY, L.L.C. (hereinafter "Fieldwood"), a Delaware corporation, with its principal place of business in Texas, has substantial and ongoing business contacts within the Western District of Louisiana to be amenable to suit in this district court;
- C. XYZ INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the state of Louisiana, which at all times relevant herein provided coverage for the faults of RIVERTEC ENTERPRISES, INC.;

- D. RIVERTEC ENTERPRISES, INC., a Florida corporation, with its principal place of business in Florida, has substantial and ongoing business contacts within the Western District of Louisiana to be amenable to suit in this district court;
- E. PQR INSURNACE COMPANY, a foreign insurer licensed to do and doing business within the state of Louisiana, which at all times relevant herein provided coverage for the faults of ISLAND OPERATING COMPANY, INC.;
- F. ISLAND OPERATING COMPANY, INC., upon information and belief is a domestic corporation registered to do and doing business in the state of Louisiana and domiciled in Baton Rouge, Louisiana,
- G. THE SPEEDY P, upon information and belief is a vessel registered to do and doing business in the state of Louisiana and within the jurisdiction of this Court

1.

It is alleged upon information and belief that defendant, RIVERTEC ENTERPRISES, INC., was at all material times the owner pro hac vice and/or the manager of the vessel *SPEEDY P*.

2.

It is further alleged that defendant, RIVERTEC ENTERPRISES, INC. was at all times material the operator of the vessel *SPEEDY P*.

3.

The accident that is the subject of this lawsuit occurred on navigable water of the U.S.A. and/or aboard the vessel, *SPEEDY P*.

4.

It is further alleged that defendant, FIELDWOOD ENERGY, LLC, and/or ISLAND OPERATING COMPANY, INC., was at all times material the operator of the crane and or platform.

5.

On or around June 8, 2019, petitioner CLABORYAN LEWIS was working in the course and scope of his employment as a seaman aboard the platform owned by FIELDWOOD ENERGY, LLC, and or ISLAND OPERATING COMPANY, INC., in navigable waters off the coast of Louisiana, when he was caused personal injuries as a result of the negligence of FIELDWOOD ENERGY, LLC and ISLAND OPERATING, INC., and/or the defective, unseaworthy, and hazardous condition of the *SPEEDY P* in the following nonexclusive particulars.

6.

On June 8, 2019, petitioner CLABORYAN LEWIS, was being transferred via a crane located on the platform owned and/or operated by FIELDWOOD ENERGY, LLC and/or ISLAND OPERATING COMPANY, INC., onto the vessel *SPEEDY P*, which was owned by RIVERTEC ENTERPRISES, INC., on which a deckhand was manning a tagline as part of the transfer. LEWIS's injury arose as a result of the unseaworthiness of the *SPEEDY P*, the failure of defendants to safely perform the crane operation, as well as their failure to warn the petitioner; as well as the negligence of defendants which, because of industry, regulatory, and statutory violations, constitutes negligence per se.

7.

This case is one of admiralty and/or general maritime jurisdiction, and as such this Court has original jurisdiction over this action under the “saving to suitors” clause of 28 USCA § 1333, including but not limited to any other legal regime and remedy—including, but not limited to, punitive damages—available to Petitioner based on the facts submitted herein and those discovered during the pendency of the litigation, including but not limited to any and all federal and state law remedies available to plaintiff.

8.

The above described incident resulted from the fault and/or negligence of defendant FIELDWOOD ENERGY, LLC, and its employees in the following non-exclusive particulars:

- A. In creating an unsafe condition;
- B. In ordering and directing the improper and unsafe transfer to a vessel;
- C. In improperly loading a vessel;
- D. In disregarding rules and regulations created for the safety of employees working on its rig.

9.

The above described incident resulted from the fault and/or negligence of defendant ISLAND OPERATING COMPANY, INC., and its employees in the following non-exclusive particulars:

- A. In creating an unsafe condition;
- B. In ordering and directing the improper and unsafe transfer to a vessel;
- C. In improperly loading a vessel;
- D. In disregarding rules and regulations created for the safety of employees working on its rig.

10.

The above described incident resulted from the fault and/or negligence of defendant RIVERTEC ENTERPRISES, INC. AND/OR the *SPEEDY P* and its employees in the following non-exclusive particulars:

- A. In creating an unsafe condition;
- B. In ordering and directing the improper and unsafe transfer to its vessel;
- C. In improperly loading the *SPEEDY P*;

D. In failing to oversee its employee and/or borrowed employee; and

E. In disregarding rules and regulations created for the safety of employees working on its rig.

11.

As a result of the above, petitioner, CLABORYAN LEWIS, sustained serious and painful injuries that have caused general and special damages, including but not limited to the following: physical and mental suffering and disability, both past and future, loss of earning capacity, both past and future, and that required him to incur medical expenses, both past and future, all of which have entitled him to recover a sum reasonable in the premises.

12.

Petitioner, CLABORYAN LEWIS, prays for any and all punitive damages available under state, federal, and/or maritime law in this matter for the wanton and reckless disregard for the safety of others.

13.

At this time, plaintiff's damages are in excess of \$50,000.00, exclusive of interest and costs. Petitioner reserves the right to amend this petition.

WHEREFORE, petition, CLABORYAN LEWIS, prays that a certified copy of this complaint be served upon defendants ABC INSURANCE COMPANY, FIELDWOOD ENERGY, LLC, XYZ INSURANCE COMPANY, ISLAND OPERATING COMPANY, INC., PRQ INSURANCE COMPANY, RIVERTEC ENTERPRISES, INC., and the *SPEEDY P*, and that after due proceedings are had that there be judgment herein in favor of petitioner, CLABORYAN LEWIS, and against defendants, ABC INSURANCE COMPANY, FIELDWOOD ENERGY, LLC, XYZ INSURANCE COMPANY, ISLAND OPERATING COMPANY, INC., PRQ INSURANCE COMPANY, RIVERTEC ENTERPRISES, INC., and the *SPEEDY P*, jointly,

severally, and in solido in a sum reasonable in the premises together with legal interest from the date of this incident until paid and for all costs of these proceedings.

Respectfully submitted,

BROUSSARD & DAVID, LLC

/s/ Jerome H. Moroux

JEROME H. MOROUX (#32666)
SCOTT M. RICHARD (#36643)
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Lafayette, Louisiana 70502-3524
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FX: 337-233-2353
EMAIL: jerome@broussard-david.com
ATTORNEY FOR PLAINTIFF

PLEASE SERVE:

FIELDWOOD ENERGY, LCC
Through Registered Agent of Service
Capitol Corporate Services, Inc.
8550 United Plaza Building II, Ste. 305
Baton Rouge, LA 70809

RIVERTEC ENTERPRISES, INC.
Through Long Arm Service
Jimenez & Jimenez, LLC
9827 NW 32nd Street
Doral, FL 33172

ISLAND OPERATING COMPANY, INC.
Through Registered Agent of Service
CT Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

SPEEDY P
Through Long Arm Service
Jimenez & Jimenez, LLC
9827 NW 32nd Street
Doral, FL 33172

JS 44 (Rev. 09/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Claboryan Lewis

(b) County of Residence of First Listed Plaintiff Vermilion

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jerome H. Moroux, Broussard & David, LLC
557 Jefferson St., Lafayette, LA 70502

DEFENDANTS

ABC Insurance Company, Fieldwood Energy, LLC, XYZ Insurance Company, Rivertec Enterprises, LLC, PQR Insurance Company, Island Operating Company, Inc., and The Speedy P

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input checked="" type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).
28 U.S.C. § 1331

Brief description of cause:
Complainant injured on vessel

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/05/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE